

Davis,
Douglass of J,
Douglass of G,
Frank,
Gregg,

Harrison,
Houston,
McDonald,
Woodward.

ABSENT—3.

Garrison,
MacManus,

Upshaw.

The bill was passed by the following vote:

YEAS—15.

Armistead,
Bell,
Burges,
Burney,
Calhoun,
Camp,
Davis,
Douglass of J,

Frank,
Gregg,
Harrison,
Houston,
Jarvis,
McDonald,
Woodward.

NAYS—11.

Abercrombie,
Allen,
Claiborne,
Douglass of G,
Glasscock,
Knittle

Lane,
Simkins,
Stinson,
Terrell,
Woods,

ABSENT—3.

Garrison,
MacManus,

Upshaw.

House bill No. 122.

"An act to amend section 13 of an act entitled 'an act to amend section 13 of an act to redistrict the State into judicial districts, and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts, at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved March 31, 1885.'" was laid before the Senate and read third time.

SENATOR SIMKINS

Moved to amend by adding the words "an imperative public necessity and" before the words "an emergency."

Adopted by the following vote:

YEAS—26.

Abercrombie,
Allen,
Armistead,
Bell,
Burges,
Burney,

Calhoun,
Camp,
Claiborne,
Davis,
Douglass of J,
Douglass of G,

Frank,
Glasscock,
Gregg,
Harrison,
Houston,
Jarvis,
Knittle,

Lane,
McDonald,
Stinson,
Simkins,
Terrell,
Woods,
Woodward,

ABSENT—3.

Garrison,
MacManus,

Upshaw.

The bill was passed by the following vote:

YEAS—26.

Abercrombie,
Allen,
Armistead,
Bell,
Burges,
Burney,
Calhoun,
Camp,
Claiborne,
Davis,
Douglass of J,
Douglass of G,
Frank,

Glasscock,
Gregg,
Harrison,
Houston,
Jarvis,
Knittle,
Lane,
McDonald,
Simkins,
Stinson,
Terrell,
Woods,
Woodward.

ABSENT—3.

Garrison,
MacManus,

Upshaw.

On motion of Senator Terrell,
The Senate adjourned until 10 o'clock to-morrow morning.

FIFTY-SIXTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, March 16, 1887. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Armistead,

The reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

BY SENATOR CLAIBORNE:

Petition of citizens of Matagorda and Colorado counties, asking manufactories to be exempted from taxation.

Referred to Committee on Commerce and Manufactories.

SENATOR ARMISTEAD

Entered a motion to reconsider the vote by which House bill No. 112 was on yesterday passed.

SENATOR GARRISON

Entered a motion to reconsider the vote adopting the minority report, which killed Senate bill No. 200, validating patents to lands in Greer county.

SENATOR GREGG

Entered a motion to reconsider the vote by which House bill No. 89 was on yesterday passed.

REPORTS OF STANDING COMMITTEES.

BY SENATOR GARRISON:

COMMITTEE ROOM, }
AUSTIN, TEXAS, March 15, 1887. }
Hon. T. B. Wheeler, President of the Senate.

Sir—Your Committee on Penitentiaries, to whom was referred Senate bill No. 101, entitled:

"An act to create houses of refuge and to provide for the support and maintenance of the same," have had the same under consideration and instruct me to report it back to the Senate with the recommendation that it do lie on the table subject to call.

All of which is respectfully submitted.

GARRISON, chairman.

Bill read first time.

BY SENATOR GLASSCOCK:

COMMITTEE ROOM, }
AUSTIN, March 16, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Education, to whom was referred substitute House bill No. 1, being,

"An act to amend sections 36, 42, 45, 48, 56, 61, 62, 63, 66 and 71 of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, of title 78, of the Revised Civil Statutes of Texas, as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and part of laws in conflict with this act, passed by the Eighteenth Legislature, at its special session in 1884, and to further amend said act, adding thereto

a new section to be known as section 43a, providing for county superintendents of public instruction in certain cases, and defining their duties and fixing their compensation," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

GLASSCOCK, chairman.

Bill read first time.

The following message was received from the Governor, read, and

On motion of Senator Claiborne, was, together with accompanying report, ordered printed in the Journal:

EXECUTIVE OFFICE, }
AUSTIN, March 16, 1887. }

To the Hon. T. B. Wheeler, President of the Senate:

Sir—I have the honor to call the attention of the Senate to the report of Drouth Relief Committee, which is transmitted herewith.

Respectfully,

L. S. Ross,
Governor.

To the Honorable, the Senate and House of Representatives of Texas:

In accordance with the provisions of an act passed by your honorable bodies,

"To provide for the relief of citizens of Texas suffering by reason of the drouth,"

The under-signed committee, appointed by his excellency, L. S. Ross, Governor, have performed the duties assigned them as fully as practicable, and beg leave to submit the following report of their actions:

The committee, on receiving their commissions, repaired at once to what was denominated the "drouth district," the limits of which were not defined by the terms of the act.

The committee remained together until six counties were visited, when, finding it would be impossible to cover the entire territory affected by the drouth within the time allowed by the Legislature, they separated, each member taking a certain number of counties per week, and reporting at a place of rendezvous on each Sunday.

In this manner thirty-four counties were visited, and representatives of three others were met, at convenient points, so that the district investi-

gated comprises no less than thirty-seven counties.

No county has been investigated from which requests for assistance had not come. In nearly all cases, such requests came from county officials.

It was made the duty of the committee to ascertain the extent of the drouth. They have found that the following counties were more or less effected by it, namely:

Lampasas, Brown, Runnels, Coleman, Callahan, Eastland, Stephens, Young, Palo Pinto, Clay, Wichita, Wilbarger, McCulloch, San Saba, Llano, Frio, Shackelford, Haskell, Martin, Fisher, Nolan, Comanche, Hamilton, Throckmorton, Baylor, Wise, Jack, Parker, Jones, Taylor, Erath, Hood, Somervell, Bosque, Montague, Hardeman and Archer.

The drouth belt extends from the northeast to the southwest. The counties of Lampasas, Bosque, Somervell, Hood, Parker, Wise and Montague, are on its eastern boundary, westward of these counties, so far as heard from, the drouth has been quite general.

After sifting all the evidence that could be obtained, the committee estimate that the results of the protracted drouth extended in some localities over eighteen months seriously affect 28,750 persons, and appropriations have been gauged by that estimate.

The committee have confined themselves to no particular class of testimony in their investigation, while they have placed much confidence in the reliability of the testimony of county officials, they have sought the opinions of business men, and other reliable citizens, wherever they have gone, and have based appropriations on what seemed to be the very lowest estimate that could be justly made of the numbers of the needy.

The names of most of those who testified are in the hands of the committee along with memoranda of their testimony, but the extent of the evidence is too great to embody it in this report. It is preserved for reference.

The committee estimated that the amount appropriated by the State would furnish about \$3.25 per capita to the actual settler.

Preliminary appropriations were made as the investigation proceeded in order to meet immediate necessities; the final apportionment was not made until the committee had concluded their investigations.

The following tabulated statement shows the estimated number of destitute persons in each county and the amount appropriated for their relief:

ESTIMATE OF DESTITUTE PERSONS IN EACH COUNTY AND AMOUNT APPROPRIATED TO DATE.

County.	No. persons.	Amounts appropriated.
Lampasas.....	100	\$ 325 00
Brown.....	750	2,437 50
Runnels.....	300	975 00
Coleman.....	750	2,437 50
Callahan.....	500	1,625 00
Eastland.....	2,000	6,500 00
Stephens.....	1,500	4,875 00
Young.....	900	2,925 00
Palo Pinto.....	1,500	4,875 00
Clay.....	1,000	3,250 00
Wichita.....	500	1,625 00
Wilbarger.....	600	1,950 00
McCulloch.....	700	2,275 00
San Saba.....	750	2,437 50
Llano.....	1,000	3,250 00
Frio.....	600	1,950 00
Shackelford.....	600	1,950 00
Haskell.....	250	812 50
Martin.....	100	350 00
Fisher.....	250	812 50
Nolan.....	200	650 00
Comanche.....	1,000	3,250 00
Hamilton.....	750	2,437 50
Throckmorton.....	150	487 50
Baylor.....	250	812 50
Wise.....	1,500	4,875 00
Jack.....	2,000	6,500 00
Parker.....	2,000	6,500 00
Jones.....	750	2,437 50
Taylor.....	750	2,437 50
Erath.....	1,500	4,875 00
Hood.....	750	2,437 50
Somervell.....	300	975 00
Bosque.....	500	1,625 00
Montague.....	1,000	3,250 00
Hardeman.....	500	1,625 00
Archer.....	200	650 00
Total.....	28,750	\$93,462 50

RECAPITULATION.

Amount appropriated.....	\$100,000 00
Amount distributed.....	\$93,462 50
Expenses of distribution.....	1,278 55— 94,741 05

Amount remaining in treasury to credit of Drouth Relief fund.....	\$5,258 95
---	------------

This report would fail to do justice to what is known as the drouth district did it not state that such calamities are infrequent in that section.

Drouths probably occur there at as long intervals as in any other part of the State or of the country.

The main reason why the people of that portion of the State are suffering so severely is that such a calamity was unexpected and the people were largely new settlers, living on school lands and having spent what they brought with

them from older portions of the country in improving their farms, hence they were unable to purchase supplies when their means of subsistence were exhausted.

It can scarcely be charged to either the fault of the people or the defects of the country and climate that the drouth has been so di-astrous in its results. Such misfortunes are common in other States but there the people have a surplus and are thus able to endure the hardships.

The committee can bear testimony to the sterling character of the people in the counties visited.

When necessity began to pinch severely for the most part the thriftless and idle classes moved out to other sections where living was easier. Those who have remained are mainly farmers whose all is invested in their farms, with a determination and heroism rarely equaled, they have clung to their homes, they mean to remain in the country, and it is the advantage of the State to have them remain.

The committee are profoundly convinced that the appropriation by the State was necessary and can testify to the grateful acceptance of the donation by those whose condition has forced them to take advantage of the public bounty. The one hundred thousand dollars appropriated by the State, small as it may seem compared with the number of the destitute, has proved to be an invaluable boon to many industrious citizens, who, in the absence of its provisions, would probably have been compelled to leave their homes and return to the older States from whence they came, thus depriving Texas of an honest yeomanry, who will be its strength in contributing to its revenues, and its bulwark should their service ever be required.

While exaggerated reports have gone forth to the detriment of the State, the truth is bad enough, and further damage to the State's reputation surely cannot accrue from a praiseworthy effort to relieve its own citizens.

Up to the present, but little rain has fallen in the drouth-stricken counties. The prospect for farmers is gloomy. Whether further action for their relief should be taken, it is not the province of the committee to say.

The committee believe that what has been expended was a good investment. If those assisted are able to remain in

the country, it will not be many years before they will repay in revenues to the State what it has generously bestowed on them.

The committee greatly regret that the Legislature did not see fit to grant them time to perfect their work. This report could have been made more elaborate and valuable had there been time to properly prepare it, but the committee remained in the drouth region to the last moment, in order to secure all the data possible. They have been as careful as practicable. If they have done their work imperfectly it should be remembered that they were allowed only forty days in which to investigate thirty-seven counties, covering more territory than the whole of New England.

The committee desire to acknowledge with thanks the liberality of the railroads in granting the free transportation of supplies for the drouth sufferers, as well as to express gratitude to the press for its able assistance, and especially to the Fort Worth Gazette and Dallas News for their valuable and successful efforts in raising a fund to purchase seeds for the farmers.

Respectfully submitted,

WALTER P. LANE,
H. P. TEAGUE,
WM. FERGUSON.

Drouth Relief Committee.
AUSTIN, Texas, March 15, 1887.

BILLS AND RESOLUTIONS.

BY SENATOR BELL:

A bill to be entitled:

"An act to reorganize the twenty-ninth, thirty-first, thirty-second, thirty-third, thirty-fifth and thirty-ninth judicial districts, and to create the forty-second judicial district, and to fix the times for holding courts, therein, and to provide for the appointment and election of district judges and district attorneys in the thirty-second and forty-second judicial districts, and to repeal all laws in conflict herewith."

Referred to Committee on Judicial Districts

BY SENATOR CALHOUN:

A bill to be entitled:

"An act to amend Article 319, chapter 4, title 9, of the Penal Code of the State of Texas."

Referred to Judiciary Committee No. 2.

Senate bill No. 244.

"An act to amend Articles 3249 of

chapter 2, and Articles 3293, 3294, 3295, 3296, 3304, 3306, 3307, 3308, 3310, 3312, 3327, 3329 and 3340 of chapter 4, title 54, Revised Civil Statutes of the State of Texas," was laid before the Senate.

SENATOR CLAIBORNE

Offered the following substitute for the bill:

A BILL

TO BE ENTITLED

"An act to amend Article 3249 of chapter 2, and Articles 3293, 3294, 3295, 3296, 3304, 3306, 3307, 3308, 3310, 3312, 3327, 3329 and 3340 of chapter 4, title 54, Revised Civil Statutes of the State of Texas."

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 3249 of chapter 2, and Articles 3293, 3294, 3295, 3296, 3304, 3306, 3307, 3308, 3310, 3312, 3327, 3329, and 3340 of chapter 4, Revised Statutes, shall be so amended as to hereafter read as follows, to wit:

Article 3249. The staff of the Governor, as commander in chief, shall consist of an Adjutant General, with the rank of brigadier general, to be appointed by him, by and with the advice and consent of the Senate, if in session; one assistant inspector general, one assistant quartermaster general, one judge advocate general and one medical director, each with the rank of colonel, and six aides de camp, with the rank of lieutenant colonel.

Article 3293. Volunteer guards shall be constituted by voluntary enlistment, for a period not less than three years on the part of persons liable to military duty under the laws of this State, or of persons that may be exempt under such laws.

Article 3294. Any number of male persons, not less than forty (40), nor more than one hundred (100), of good character, desiring to form a company of volunteer guards, may meet and declare such purpose and, after obtaining consent of the Governor, may perfect their organization by electing their company officers in accordance with the provisions of this chapter.

Article 3295. Each company of volunteer guards shall elect the following officers, to wit: One captain, one first lieutenant, one second lieutenant, five sergeants and four corporals. In all elections a majority of the ballots cast shall be necessary to elect.

Article 3296. Captains of companies may appoint two musicians, and such

number of markers or other subordinates as they may deem necessary, or such as may be prescribed by the Governor or Adjutant General, and the persons so appointed shall obey such lawful orders as may be given them by their commanding officers or other official superiors.

Article 3304. The Governor, as commander in chief shall cause the companies composing the volunteer guards to be organized into battalions, regiments, brigades and divisions of suitable size and number, and may change, disband or increase such organizations from time to time as he may deem best for the interests of the service; provided, the officers and enlisted men of the volunteer guards shall not exceed, until otherwise provided by law, two thousand and one hundred (2100) in number.

Article 3306. Each regiment shall consist of not more than ten companies and a regimental band, and shall have a colonel, a lieutenant colonel and a major, all of whom shall be appointed and commissioned by the Governor upon an examination and recommendation by a board of not less than three competent military officers appointed for the purpose by the Governor; this examination, in every case, to be left to the discretion of the Governor. Each colonel shall appoint for his regiment an adjutant with the rank of first lieutenant; a surgeon, a quartermaster, each with the rank of captain of infantry; and an assistant surgeon and a chaplain, each with the rank of first lieutenant. He may also appoint a sergeant major, a quartermaster sergeant, a hospital steward and a drum major.

Article 3307. Each brigade shall consist of not more than three regiments, and shall have a brigadier general, to be appointed by the Governor. The staff of the brigadier general shall consist of one assistant adjutant general, with the rank of major, one assistant inspector general, one brigade quartermaster and one brigade surgeon, each with the rank of captain of cavalry, and two aides de camp, each with the rank of first lieutenant of cavalry. All of said officers shall be appointed by the brigadier general, and, in addition thereto he may appoint for his brigade one brigade quartermaster sergeant, one brigade hospital steward, and one brigade clerk.

Article 3308. Each division shall consist of not more than two brigades, to be commanded by a major general

appointed by the Governor. The staff of the major general shall consist of one assistant adjutant general with the rank of lieutenant colonel; one assistant inspector general, one assistant judge advocate general, one medical director and one division quartermaster, each with the rank of major, and four aides de camp, each with the rank of captain. All of said officers shall be appointed by the major general, and in addition thereto, he may appoint a division quartermaster sergeant, a division commissary sergeant, a division hospital steward and a division clerk.

Article 3310. The Governor shall commission all officers, but before issuing commissions to field and company officers, he shall require such officers to be examined and recommended by a board of not less than three competent military men, said recommendation to be filed with the Adjutant General; and each person commissioned shall take and subscribe the oath prescribed in Article 3297, for company officers and enlisted men, which oath may be taken before any officer of this State, authorized to administer oaths, and shall be filed in the office of the Adjutant General. In all cases where any staff officer, as now commissioned, is holding a rank above that which is prescribed by the amendments herein made, the Governor may continue such appointment until a reorganization of the volunteer guard is effected, or until such time as he may direct.

Article 3312. Nothing in the preceding article shall prevent any company from adopting its own dress uniform, nor from wearing the same except when the Governor, or the division, brigade, regimental or company commander may otherwise direct.

Article 3327. For breaches of discipline, misconduct, or any other military offenses not herein provided for, non commissioned officers, musicians and privates may be tried by courts martial convened by the battalion or regimental commanders, and may be punished by dismissal or dishonorable dismissal from the service, such courts to consist of not less than three nor more than five commissioned officers, their finding to be subject to the approval of the officer ordering the court, and their proceedings governed by the United States army regulations relating to courts martial.

Article 3329. The sentences of such courts shall not extend beyond the imposition of a pecuniary fine upon the

officer, or his superior, for a definite period not to exceed twelve months, or his dismissal from the service, and shall not be carried into effect without the approval of the Governor as commander in chief.

Article 3340. All officers, non commissioned officers, musicians and privates of the volunteer guards, who comply with all their military duties as prescribed in this chapter, shall be entitled to the following privileges and exemptions, to-wit:

1. Exemption from the payment of all poll taxes, except the poll tax prescribed by the Constitution for the support of common schools.

2. Exemption from the payment of any road or street tax, and from any road duty whatever under the laws of this State, and from the payment of any ferry or bridge toll when crossing armed and under orders from a lawful superior, any ferry or toll bridge in this State.

3. Exemption from all jury service of every character and description.

On motion of Senator Glasscock,

The substitute of Senator Claiborne was adopted.

SENATOR ARMISTEAD

Moved to amend Article 3340 by striking out all of second subdivision except the words, "exemption from any road duty whatever under the laws of this State."

SENATOR GREGG

Moved to amend as follows:

"Amend Article 3340, by striking out first subdivision of same, and conforming other sections therewith

SENATOR GREGG

Spoke in favor of his amendment.

SENATOR BURGESS

Moved to amend as follows:

Amend by striking out all of subdivision 2, of Article 3340, after the word "State" in line 9.

SENATOR BURGESS

Spoke in favor of his amendment, and it was adopted.

The amendment of Senator Armistead was adopted.

SENATOR GREGG'S

Amendment was lost.

SENATOR HARRISON

Moved to reconsider the vote by which the amendment of Senator Gregg was lost.

SENATOR HOUSTON

Moved to lay that motion on the table.
Lost by the following vote.

YEAS—7.

Burney,	Knittle,
Claiborne,	Lane,
Douglass of G,	Woodward.
Houston,	

NAYS—20.

Abercrombie,	Garrison.
Armistead,	Gregg,
Bell,	Harrison.
Burges,	Jarvis,
Calhoun,	McDonald,
Camp,	Simkins,
Davis,	Stinson,
Field,	Terrell,
Frank,	Upshaw,
Glasscock,	Woods.

ABSENT—3.

Allen,	MacManus.
Douglass of J.	

The Senate refused to reconsider the vote, by which the amendment was lost by the following vote:

YEAS—14.

Abercrombie,	Garrison,
Allen,	Gregg,
Bell,	Harrison,
Camp,	McDonald,
Davis,	Simkins,
Douglass of J,	Terrell,
Frank,	Woods.

NAYS—14.

Armistead,	Houston,
Burney,	Jarvis,
Calhoun,	Knittle,
Claiborne,	Lane,
Douglass of G,	Stinson,
Field,	Upshaw,
Glasscock,	Woodward.

ABSENT—2.

Burges,	MacManus.
---------	-----------

The President voted nay.

SENATOR LANE

Moved to amend by striking out all of Article 3304, after the word "service." in line five.

SENATOR LANE

Spoke in favor of the amendment.

SENATOR CLAIBORNE

Opposed the amendment.

The amendment was lost by the following vote:

YEAS—8.

Bell,	Garrison,
Calhoun,	Harrison,
Douglass of J,	Lane,
Field,	McDonald.

NAYS—19.

Abercrombie,	Houston,
Allen,	Jarvis,
Armistead,	Knittle.
Burney,	Simkins,
Camp,	Stinson,
Claiborne,	Terrell,
Davis,	Upshaw,
Douglass of G.	Woods,
Frank,	Woodward.
Glasscock,	

ABSENT—3.

Burges,	MacManus.
Gregg,	

SENATOR ARMISTEAD

Moved the previous question on the engrossment of the bill.

Seconded and main question ordered.

The substitute bill as amended was ordered engrossed by the following vote.

YEAS—22.

Abercrombie,	Garrison,
Allen,	Glasscock,
Armistead,	Houston,
Burges,	Jarvis,
Burney,	Knittle,
Camp,	Lane,
Claiborne,	McDonald,
Douglass of J,	Simkins,
Douglass of G,	Stinson,
Field,	Upshaw,
Frank,	Woodward.

NAYS—6.

Bell,	Gregg,
Calhoun,	Harrison,
Davis,	Woods.

ABSENT—2.

MacManus,	Terrell.
-----------	----------

On motion of Senator Abercrombie, Senate bill No. 291.

"An act to authorize any city or town in this State to compromise existing indebtedness, and to issue new bonds to be sold or exchanged for this purpose, and to provide for the efficient collection of taxes to pay the principal and interest of such new bonds, and to provide for the appointment of receivers for said municipal corporations during the pendency of negotiations for such compromise," was taken up and read second time with favorable report.

SENATOR ABERCROMBIE

Moved to amend by adding section 13 as follows.

"Section 13. The near approach of the close of the session creates an imperative public necessity and emergency demanding the suspension of the constitutional rule requiring a bill to be read on three several days and such rule is hereby suspended.

Adopted.

SENATOR GLASSCOCK

Moved to amend section 2, by adding thereto, the following:

"Nor where such debt was illegally or fraudulently obtained.

SENATOR GLASSCOCK

Favored, and

SENATOR DOUGLASS OF JEFFERSON.
HARRISON AND ABERCROMBIE

Opposed the amendment, and it was lost.

SENATOR HARRISON

Moved to amend by striking out, in section 1, line 11, the words "or at such other place" and insert "or at the office of the city treasurer."

SENATOR ABERCROMBIE

Opposed the amendment and it was lost.

SENATOR HARRISON

Moved to amend section 3 by striking out all of said section after the word "matured," in line 4.

Lost.

SENATOR ARMISTEAD

Moved to reconsider the vote just taken.

Adopted.

The amendment was lost.

(Senator Burney in the chair.)

SENATORS ABERCROMBIE AND
TERRELL

Favored the bill, and

SENATORS HARRISON, SIMKINS AND
M'DONALD

Opposed it.

SENATOR BURGESS

Offered the following amendment:

"Strike out all after the word 'matured,' in line 4, section 3, and insert: 'Provided, that said coupons and bonds shall only be received in payment of taxes levied for the purpose of paying such bonds and coupons.'"

Adopted.

SENATOR TERRELL

Offered the following as substitute for last clause:

"The fact that compromises may be made under this bill at an early date, and that agreements to that effect are practically pending at this time and of great importance, causes an emergency to exist which requires this act to take effect, and be in force from and after its passage, and it is so enacted."

Adopted.

The bill was ordered engrossed by the following vote:

YEAS—23.

Abercrombie,	Field,
Allen,	Frank,
Armistead,	Garrison,
Bell,	Glasscock,
Burgess,	Houston,
Burney,	Lane,
Calhoun,	Pope,
Camp,	Stinson,
Claiborne,	Terrell,
Davis,	Woods,
Douglass of J.	Woodward.
Douglass of G,	

NAYS—4.

Harrison.	McDonald.
Jarvis,	Simkins.

ABSENT—3.

Gregg,	MacManus.
Knittle,	

On motion of Senator Abercrombie,

The constitutional rule was suspended and the bill was placed on its third reading and final passage by the following vote:

YEAS—27.

Abercrombie,	Garrison,
Allen,	Glascock,
Armistead,	Gregg,
Bell,	Houston,
Burges,	Knittle,
Burney,	Lane,
Calhoun,	McDonald,
Camp,	Pope,
Claiborne,	Stinson,
Davis,	Terrell,
Douglass of J.	Upshaw,
Douglass of G.	Woods,
Field,	Woodward.
Frank,	

NAYS—2.

Jarvis,	Simkins.
---------	----------

ABSENT—2.

Harrison,	MacManus.
-----------	-----------

The bill was read third time and passed by the following vote:

YEAS—26.

Abercrombie,	Frank,
Allen,	Garrison,
Armistead,	Glascock,
Bell,	Gregg,
Burges,	Houston,
Burney,	Knittle,
Calhoun,	Lane,
Camp,	Pope,
Claiborne,	Stinson,
Davis,	Terrell,
Douglass of J.	Upshaw,
Douglass of G.	Woods,
Field,	Woodward.

NAYS—4.

Harrison,	McDonald,
Jarvis,	Simkins.

ABSENT—1.

MacManus.

Substitute Senate bill No. 1 and House bill No. 21,

"An act to establish a house of correction and reformatory, and to provide for its government and maintenance, and make an appropriation therefor," was laid before the Senate for correction of endorsement.

SENATOR TERRELL

Moved that the bill be endorsed

"House bill No. 21, with Senate amendments."

SENATOR WOODS

Opposed and

SENATOR TERRELL

Favored the motion and it was adopted.

Senate joint resolution No. 23,
"Joint resolution amending section 10, Article 8, of the Constitution of the State of Texas under the title of 'taxation and revenue,'" was laid before the Senate, read third time and passed by the following vote:

YEAS—27.

Abercrombie,	Gregg,
Allen,	Harrison,
Armistead,	Houston,
Bell,	Jarvis,
Burges,	Knittle,
Burney,	Lane,
Camp,	McDonald,
Claiborne,	Pope,
Davis,	Simkins,
Douglass of J.	Stinson,
Douglass of G.	Terrell,
Field,	Upshaw,
Frank,	Woodward.
Garrison,	

NAYS—3.

Calhoun,	Woods.
Glascock,	

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, March 16, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Sir—I am instructed by the House to inform the Senate that the House has passed the following bills:

House bill No. 283.

"An act to require the Commissioner of the General Land Office to issue to the heirs of James L. Holmes duplicate county warrants for 1920 acres of land"

Also

House bill No. 548.

"An act to amend Article 4333, of the Revised Civil Statutes as amended by an act approved March 30 1881."

Also

Substitute House bill No. 257.

"An act to amend Article 378, chapter 6, title 11, of the Penal Code of the State of Texas and to add Articles 378a, 378b, 378c, 378d, 378e and 378f, to said chapter and title prohibiting the unlawful selling of intoxicating liquors and defining and prohibiting 'blind tigers,' and providing rules of evidence and penalties therefor."

And,

That the House has granted the request of the Senate, and herewith returns House bill No. 94.

"An act to amend Article 4227, chapter 10, title 84, of the Revised Civil Statutes of the State of Texas."

Respectfully,

GEO. W. FINGER,
Acting Chief Clerk House of Representatives.

THE PRESIDENT

Gave notice of signing Senate bill No. 4

"An act to amend Article 3200 of the Revised Civil Statutes of the State of Texas."

Senate joint resolution No. 4.

"Joint resolution authorizing the Attorney General to institute suit against all railroad companies which have obtained land from the State for the forfeiture and recovery of such lands."

And,

Senate bill No. 129.

"An act to authorize counties, cities and towns in this State which have issued bonds to aid in the construction of railroads and other internal improvements, to adjust their rate of taxation so as to provide for the payment of the interest and sinking fund upon the same."

On motion of Senator Harrison, Senators McDonald, Simkins and Camp were excused from attendance upon the evening sessions on account of important committee work.

By leave,

SENATOR M'DONALD

Sent up the following committee reports:

COMMITTEE ROOM, }
AUSTIN, March 16, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Judicial Districts, to whom was referred House bill No. 507, entitled:

"An act to create the forty-first judicial district, and to provide for the appointment of a district judge and district attorney therein, and to provide the times of holding the terms of the district courts in said district," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD, chairman.

Bill read first time.

COMMITTEE ROOM.

AUSTIN, March 16, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Judicial Districts, to whom was referred Senate bill No. 336, entitled

"An act to reorganize the twenty-ninth, thirty-first, thirty-second, thirty-third, thirty-fifth and thirty-ninth judicial district, and to create the forty-second judicial district, and to fix the times for holding courts therein, and to provide for the appointment and election of district judges and district attorneys in the thirty-second and forty-second judicial districts, and to repeal all laws in conflict therewith," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD, chairman.

Bill read first time.

SENATOR TERRELL

Called up the motion of Senator Calhoun to reconsider the vote by which Senate bill No. 134:

"An act to amend Article 568, title 20, chapter 2, of an act to adopt and establish the Revised Civil Statutes of the State of Texas," was passed.

The motion to reconsider the vote was adopted.

The bill was passed by the following vote:

YEAS—28.

Abercrombie,	Garrison,
Allen,	Gregg,
Armistead,	Harrison,
Bell,	Houston,
Burges,	Jarvis,
Burney,	Knittle,
Calhoun,	Lane,
Camp,	McDonald,
Claiborne,	Pope,
Davis,	Simkins,
Douglas of J,	Stinson,
Douglass of G,	Terrell,
Field,	Upshaw,
Frank,	Woodward.

NAYS—2.

Glasscock, Woods.

ABSENT—1.

MacManus.

THE PRESIDENT

Gave notice of signing Senate bill No. 70,

"An act to amend Articles 4489 and 4492 of title 90 of the Revised Statutes of Texas."

SENATOR TERRELL.

By leave,

Sent up the following special committee report:

CONFERENCE COMMITTEE ROOMS. }
AUSTIN, March 16, 1887. }

Hon. T. B. Wheeler, President of the Senate, and
Hon. Geo. C. Pendleton, Speaker of the House of
Representatives:

Sirs—Your committee of conference to whom was referred the substitute for House bills Nos. 43 and 45, with Senate amendments, have carefully examined the same, and beg leave to submit the following recommendations:

1. That the House concur in Senate amendment No. 1. The word "title" in said amendment is a clerical error, and should read "Article," and we have had the same corrected.

2. That the House concur in Senate amendment No. 3. The figures "\$5000" in said amendment is a clerical error, and should be "\$500," and same has been corrected.

3. That the House concur in Senate amendment No. 4.

4. That the Senate recede from Senate amendment No. 8.

All of which is respectfully submitted.

TERRELL,

HARRISON,

STINSON,

Conferees on the part of the Senate.

STEELE,

PRENDERGAST,

FAUBION,

Conferees on the part of the House.

On motion of Senator Terrell,

The report was adopted.

On motion of Senator Lane,

It was agreed to take up bills on third reading.

SENATOR BURGESS

Moved to adjourn till 3 o'clock p. m.

Senate bill No. 144.

"An act to amend Articles 2432, 2433, 2434, chapter 43, of the Revised Civil Statutes of the State of Texas," was laid before the Senate and read a third time, and the bill was lost by the following vote:

YEAS—14.

Bell,
Burgess,
Burney,

Calhoun,
Claiborne,
Douglass of G,

Frank,
Garrison,
Glasscock,
Knittle,

Lane,
Pope,
Simkins,
Woodward.

NAYS—15.

Abercrombie,
Allen,
Armistead,
Camp,
Douglass of J,
Field,
Gregg,
Harrison,

Houston,
Jarvis,
McDonald,
Stinson,
Terrell,
Upshaw,
Woods,

ABSENT—2.

Davis,

MacManus.

Senate bill No. 188.

"An act to amend Article 4761 of the Revised Civil Statutes of the State of Texas, approved April 24, 1879,"

Was laid before the Senate and read third time.

SENATOR JARVIS

Moved to amend by adding thereto section 2:

"The necessity for the passage of this bill, and the near approach of the close of the present session of the Legislature, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted and that this act take effect and be in force from the passage, and it is so enacted.

Adopted by the following vote:

YEAS—28.

Abercrombie,
Allen,
Armistead,
Bell,
Burgess,
Burney,
Calhoun,
Camp,
Claiborne,
Douglass of J,
Douglass of G,
Field,
Frank,
Garrison.

Glasscock,
Harrison,
Houston,
Jarvis,
Knittle,
Lane,
McDonald,
Pope,
Simkins,
Stinson,
Terrell,
Upshaw,
Woods,
Woodward.

NAYS—1.

Gregg,

ABSENT—2.

Davis,

MacManus,

SENATOR ARMISTEAD

Moved to amend by striking out of the bill all about remitting moneys by tax collectors by drafts to the State Treasurer and to restrict such remittances to be forwarded by express or postoffice order, and make the caption and bill conform to this change.

On motion of Senator Douglass of Jefferson,

The Senate adjourned till 3 o'clock p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The President, President pro tem., and Secretary being absent,

Assistant Secretary Boynton occupied the chair.

Roll called.

Quorum present.

The first thing announced in order was the election of a President pro tem.

On motion of Senator Bell,

The Senate proceeded to the election of a President pro tem.

SENATORS ABERCROMBIE, JARVIS AND LANE

Were appointed as tellers.

SENATOR WOODWARD

Nominated Senator Houston for President pro tem.

The ballot being cast up,

Senator Houston received twenty votes, Senator Woods received one vote, and Senator Burges received one vote.

Receiving a majority of all the votes cast,

SENATOR HOUSTON

Was declared elected President pro tem.

And

On motion of Senator Lane,

Senators Burges, Harrison and Woods were appointed a committee to escort president pro tem elect to the chair.

On being escorted to the chair

SENATOR HOUSTON

Was administered the oath of office, and occupied the chair.

House joint resolution 18.

"Joint resolution to amend section 11, of Article 7, of the Constitution of the State of Texas," was laid before the Senate and read second time.

SENATOR GREGG

Moved to amend by striking out the following words in line 1, page 2, to-wit: "and the State shall be responsible for all investments."

SENATOR GREGG

Favored, and

SENATORS ARMISTEAD, GLASSCOCK AND BURGESS

Opposed the amendment and it was lost by the following vote:

YEAS—6.

Abercrombie,	Gregg,
Claiborne,	Jarvis,
Davis,	Woods.

NAYS—19.

Allen,	Glasscock,
Armistead,	Harrison,
Bell,	Houston,
Burges,	Knittle,
Burney,	Lane,
Calhoun,	Stinson,
Douglass of J.,	Terrell,
Douglass of G.,	Upshaw,
Frank,	Woodward.
Garrison,	

ABSENT—3.

Field,	Pope.
MacManus,	

The joint resolution was passed to third reading.

On motion of Senate Jarvis,

Senator MacManus was excused for the day on account of sickness.

House bill No. 90.

"An act establishing the manner of ascertaining the boundaries of counties," and repealing laws and parts of laws in conflict with this act," was taken up, read third time, and

On motion of Senator Jarvis was laid on the table subject to call.

House bill No. 101.

"An act to amend sections 1 and 4, as amended by an act entitled 'an act to amend sections 1 and 4 of an act to regulate the sale of spirituous, vinous

and malt liquors or medicated bitters; to fix the rate of occupation taxes upon all persons, firms or associations of persons engaged in the sale of spirituous, vinous or malt liquors or medicated bitters; to define the time and manner of collecting such tax and to affix penalties for failure to pay the same, and to repeal all laws and parts of laws in conflict with the provisions of this act," approved April 4, 1881," was laid before the Senate, read a third time and passed.

SENATOR HARRISON,

By leave,

Sent up the following committee reports:

COMMITTEE ROOM, }
AUSTIN, March 16, 1887. }

Hon. T. B. Wheeler, President of the Senate:

"Sir—Your Committee on Counties and County Boundaries, to whom was referred House bill No. 387,

"An act to create the counties of Sutton and Will Wilson out of the county of Crockett," have considered the same, and instruct me to report it back with the following amendment: Strike out "Sutton" wherever it appears in bill, and insert "Prentiss," and recommend that the bill as amended do pass.

HARRISON, chairman.

Bill read first time.

House bill No. 53,

"An act to amend Article 324 title 10, chapter 1, of the Penal Code," was laid before the Senate, read second time with favorable report.

SENATOR CLAIBORNE

Moved to make penalty not less than five nor more than ten years.

Lost.

SENATOR CALHOUN

Moved to strike out five years and insert twenty years.

SENATOR CALHOUN

Spoke in favor of the amendment.

SENATOR LANE

Moved to substitute the amendment by striking out "five" in line 7 and insert "fifty."

Accepted.

SENATORS LANE AND CALHOUN

Favored the amendment,

And,

SENATOR TERRELL

Opposed it.

It was lost.

SENATOR CALHOUN

Moved to reconsider the vote just taken.

SENATOR STINSON

Moved to lay the motion to reconsider on the table.

Adopted by the following vote:

YEAS—15.

Abercrombie,
Allen,
Armistead,
Bell,
Garrison,
Glasscock,
Harrison,
Houston.

Jarvis,
Knittle,
Stinson,
Terrell,
Upshaw,
Woods,
Woodward.

NAYS—10.

Burges,
Burney,
Calhoun,
Claiborne,
Davis,

Douglass of J,
Douglass of G,
Frank,
Gregg,
Laue.

ABSENT—2.

Field,

Pope.

SENATOR GLASSCOCK

Moved to amend by inserting after the word "living," line 5, section 1, "or not divorced from such former wife or husband.

Lost, and

The bill was passed to third reading.

SENATOR BURGESS

Called up Senate bill No. 2.

"An act to restore to and confer, upon the county courts of Live Oak, Karnes and Throckmorton counties the civil and criminal jurisdiction heretofore belonging to said courts" etc. etc, was laid before the Senate with House amendment, and

On motion of Senator Woodward, the first House amendment was concurred in.

SENATOR BURGESS

Moved to amend the second House

amendment by striking out "Kendall county," wherever it occurs in the bill.

Adopted.

The second amendment as amended was concurred in.

House bill No. 60.

"An act to amend Article 428 of section 1, of an act entitled 'an act to amend Articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create Article 426½, and to repeal Article 430 of chapter 5, title 13, of the Penal Code of the Revised Statutes for the protection of fish and game' approved March 15, 1881," was laid before the Senate and read second time with favorable report.

SENATOR DOUGLASS OF JEFFERSON

Moved to amend by striking out "September."

Adopted.

SENATOR BURGESS

Moved to strike out all after the words "county jail."

SENATOR BURGESS

Favored, and

SENATOR HARRISON

Opposed the amendment.

On motion of Senator Burgess,

The further consideration of the bill was postponed till to-morrow afternoon.

The following message was received from the House:

HOUSE OF REPRESENTATIVES. }
AUSTIN, TEXAS, March 16, 1887. }

Hon. T. B. Wheeler, President of the Senate.

Sir—I am instructed by the House to inform the Senate that the House has adopted the conference report on substitute House bills Nos. 43 and 45, entitled

"An act to amend chapter 2, Article 566 of the Revised Civil Statutes as amended by an act of the Nineteenth Legislature," approved March 27, 1885.

Respectfully,

GEO. W. FINGER,

Acting Chief Clerk House of Representatives.

By leave

SENATOR HARRISON

Sent petition from business men of Waco asking the repeal of the tax on drummers.

Referred to Committee on Finance, House bill No. 73.

"An act to amend Article 165, chapter 4, title 6, of the Penal Code of the State of Texas,"

Was laid before the Senate and read second time, with committee amendments.

The committee amendments were adopted, and the bill was passed to third reading.

On motion of Senator Douglass of Jefferson,

Senator Armstrong was excused for the balance of the day, on account of very important business.

House bill No. 124:

"An act to amend Article 3635, title 73, of the Revised Civil Statutes," was laid before the Senate and read second time with favorable report, and passed to third reading.

House bill No. 126.

"An act to amend Articles 963, 964, and to create Article 964a, title 24, of the Revised Statutes, so as to require the payment of interest on registered claims against counties," was laid before the Senate, read second time and passed to third reading.

House bill No. 128.

"An act to amend Articles 183 and 186, of the Penal Code," was taken up and read second time with favorable report.

SENATOR STINSON

Moved to add after the word "material" in line 6, page 2, the following "drugs, medicines."

SENATOR STINSON

Spoke in favor of the amendment.

Adopted.

SENATOR HARRISON

Moved to amend by adding to proviso "barber shops, bath houses and ice dealers."

SENATOR HARRISON,

Explained the amendment and it was adopted.

SENATOR CLAIBORNE

Moved to add in line 7, page 2, after the word "ice," "ice cream."

SENATORS CALHOUN, ALLEN AND BELL

Opposed the amendment.

SENATOR CLAIBORNE

Favored the amendment.

SENATOR GLASSCOCK

Moved to amend the amendment by adding to the same the words "or soda water."

SENATORS TERRELL, GLASSCOCK, STINSON AND BURGESS

Favored the amendments.

SENATOR BURNEY

Moved to postpone the further consideration of the bill and amendments till the first day of April.

Lost by the following vote:

YEAS—2.

Burney, Lane.

NAYS—22.

Abercrombie,	Glasscock,
Allen,	Gregg,
Bell,	Harrison,
Burgess,	Houston,
Calhoun,	Jarvis,
Claiborne,	Knittle,
Davis,	Stinson,
Douglass of J,	Terrell,
Douglass of G,	Upshaw,
Frank,	Woods,
Garrison,	Woodward.

ABSENT—2.

Field, Pope.

On motion of Senator Gregg

The Senate adjourned until 10 o'clock to-morrow morning.

FIFTY-SEVENTH DAY.

SENATE CHAMBER, }
AUSTIN, March 17, 1887. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Davis,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Armistead, Senator MacManus was excused for three days on account of sickness.

On motion of Senator Houston,

Senator Pope was excused indefinitely on account of sickness.

THE PRESIDENT

Gave notice of signing

House bill No. 103.

"An act to create Article 669a, title 8, chapter 5, of the Code of Criminal Procedure of the State of Texas so as to provide the order in which defendants charged with the same offense shall be tried,"

And

Substitute House bill No. 116.

"An act to repeal Articles 992, 993, 994, 995, 996 and 1001, and to amend Articles 988, 1002, 1006, 1008 and 1012, of chapter 1, title 13, of the Code of Criminal Procedure of the State of Texas and Article 1000, of chapter 1, title 13, as amended by chapter 12 of the General Laws of the Eighteenth Legislature of the State of Texas."

REPORT OF STANDING COMMITTEES.

BY SENATOR GREGG:

COMMITTEE ROOM, }
AUSTIN, March 17, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Internal Improvements, to whom was referred House bill No. 291, entitled:

"An act to provide for the assessment of taxes upon the railways of the State of Texas" have had the same under consideration and instruct me to report it back to the Senate with the recommendation that it be referred to the Committee on Finance.

All of which is respectfully submitted.

GREGG, chairman.

Bill ordered referred to Committee on Finance.

COMMITTEE ROOM, }
AUSTIN, TEXAS, March 17, 1887. }

Hon. T. B. Wheeler, President of the Senate.

Sir—Your Committee on Internal Improvements, to whom was referred House bill No. 27, entitled:

"An act to prohibit the watering of stock and bonds by railroad corporations, and to provide penalties for a violation of the same," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

GREGG, chairman.

Bill read first time.

BY SENATOR UPSHAW:

COMMITTEE ROOM, }
AUSTIN, March 16, 1887, }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Roads